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Attorneys for Defendants
OPERATION DIGNITY, INC., ALEX McELREE, WILLIAM KENNEDY,
AND LINDA GRIFFIN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK ANTOINE FOSTER,

Plaintiff,

v.

OPERATION DIGNITY, INC., a
California Non-Profit corporation, ALEX
McELREE, an individual, WILLIAM
KENNEDY, an individual, LINDA
GRIFFIN,

Defendants.

CASE NO.: C075030 MMC

**[PROPOSED] ORDER IN SUPPORT OF
MOTION TO DISMISS, OR IN THE
ALTERNATIVE, STAY FEDERAL
ACTION**

Date: January 11, 2008
Time: 9:00 a.m.
Courtroom 7, 19th Floor

The Court having considered the written motion of defendants Operation Dignity, Alex McElree, Linda Griffith, and William Kennedy, for an order to dismiss or, in the alternative, stay, the above referenced action filed by plaintiff Mark Foster, argument thereon, and all documents relating thereto:

IT IS THEREBY ORDERED that this matter is dismissed/stayed pending outcome of Foster v. Operation Dignity, Inc., a California Non-Profit corporation, ALEX McELREE, an individual, WILLIAM KENNEDY, an individual, LINDA GRIFFITH, an individual (Alameda County Case No. RG06302322) based upon the doctrine set forth in Colorado River v. United States, 424 U.S. 800. The grounds for the dismissal/stay of this action is based upon the fact that these two matters arise out

1 of the identical set of facts and involve identical parties arising out of Foster's tenancy at 2300
2 Moonlight Terrace, Alameda, California.

3
4 DATED: _____

Maxine M. Chesney
United States District Judge

Foster v. Operation Dignity, Inc., a California Non-Profit Corp et al.
U.S.D.C., Northern Dist. OF California, C075030 MMC

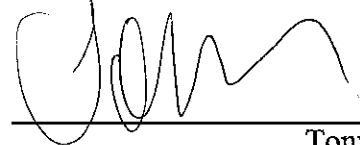
PROOF OF SERVICE

I hereby certify that I sent by regular U.S. Mail, the following:

DEFENDANTS' NOTICE OF MOTION TO DISMISS, OR IN THE
ALTERNATIVE, TO STAY; DECLARATION OF JAY W. BROWN AND
EXHIBITS "A" - "D" ATTACHED THERETO; [PROPOSED] ORDER IN
SUPPORT THEREOF

Mark Antoine Foster In Pro Per
725 Ellis Street, #408
San Francisco, CA 94109

Executed on December 3, 2007 at Pleasanton, California. I declare under penalty of perjury
under the laws of the State of California that the foregoing is true and correct.



Tonyia Neves